

Remarks

Claims 1 – 24 are pending. Claims 1 – 12 have been rejected. Claims 13 – 24 are withdrawn from consideration.

The examiner has objected to the title as not being descriptive. The title has been amended to clearly indicate the invention to which the claims are directed.

Claim 1 has been rejected under 35 U.S.C. 102(e) as being anticipated by Higson (US 6,083,366). Claim 1 is reproduced below:


1. (Original) A method of making a sensor to measure an analyte in a solution, the method comprising:
 providing a substrate;
 printing conductive ink on the substrate to form a plurality of electrode regions;
 depositing an electrical insulation to cover one of the electrode regions;
 sonically ablating the electrical insulation to form an array of pores through the electrical insulation to the conductive ink in the one electrode region; and
 depositing metal into the pores to form an array of electrodes in the one electrode region.

Claim 1 requires that metal is deposited into the pores to form an array of electrodes in the one electrode region. Higson does not use metal. Higson clearly states that a conducting organic polymer is deposited into the pores (see column 2 lines 15 – 20). The current application identifies the prior art of using a conducting organic polymer in the background section on page 2, lines 14 – 19. The advantage of using metal instead of conducting organic polymers is that “The metal in the pores provides better sensitivity than a conducting organic polymer for some applications, such as chlorine detection” (see page 7, lines 5 – 6 of the current application). Because Higson does not deposit metal to form an array of electrodes the examiner has not established a *prima facie* case for anticipation, and claim 1 is allowable as written.

Claims 1 – 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Higson (US 6,083,366) in view of Uchida et al. (4,464,244) or Satou (JP 11163055 A). As stated above, Higson does not deposit metal into pores to form an array of electrodes. Neither Uchida, nor Satou, deposit metal into pores to form an array of electrodes. An

electrode is defined as a conductor (as a metallic substance or carbon) used to establish electrical contact with a nonmetallic portion of a circuit. *Webster's Third New International Dictionary, Unabridged*. Merriam-Webster, 2002. (emphases added). Uchida fills a few holes with metal to form an electrical connection between two conducting layers in an electronic circuit. The metal filled holes in Uchida are not electrodes. The holes in Uchida certainly don't form an array of electrodes. Therefore Uchida is non-analogous art. Satou also fills hole with metal to form an electrical connection between two conductive sections of an electrical circuit. As discussed above, connecting two metallic sections of a circuit by filling a hole with metal, is completely different than creating an array of electrodes by filling an array of pores with metal. Therefore the examiner has not established a *prima facie* case for obviousness and claims 1 – 10 are allowable as written.

Claims 11 – 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Higson (US 6,083,366) in view of Uchida et al. (4,464,244) or Satou (JP 11163055 A) and in further view of Hall et al. (4,242,379). Claims 11 and 12 are dependent on allowable claim 1, and are therefore allowable.



SIGNATURE OF PRACTITIONER

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